



MARYLAND | State Board of Massage Therapy Examiners

METRO EXECUTIVE BUILDING • 4201 PATTERSON AVENUE • SUITE 301
BALTIMORE, MARYLAND 21215

OPEN SESSION MEETING April 24, 2019

MEMBERS PRESENT

Paula Jilanis, LMT, Board Chair
Caitlin Thompson, LMT, Vice Chair
David Cox, LMT Secretary/Treasurer-*Absent*
Gwenda Harrison, LMT, Board Member
Gloria Boddie-Epps, Consumer Member
Margaret Hayes, Consumer Member
J.Paige Szymanski, LMT, Board Member

NON MEMBERS PRESENT

Adrienne Congo, MS, Acting Executive Director
Grant Gerber, AAG, Board Counsel
Marc Ware, Investigator III
Serita Anderson, Admin. Spec. II
Kim Lang, MDH
Lillian Reese, Regulations Coord.
Robin Anderson, Program Director, CCBC
Sabrina Lopez, LMT, President, AMTA- MD
Amelia Mitchell, Alchemy Healing Arts Ctr.
Christine Hooper, Director Government Relations AMTA
Laura Embleton, Director of Government Relations ABMP
Lorena Haynes, Director of Government Relations, FSMTB

Call to Order at 10:00 a.m. & Opening Remarks by Board Chair

The regularly scheduled Open Session meeting of the Maryland State Board of Massage Therapy Examiners was held at the Metro Executive Building, Conference Room 110 on April 2, 2019. The meeting was called to order at 10.05 a.m. by *Paula K. Jilanis, LMT, and Board Chair*. Roll call was taken; seven out of seven Board Members were present which constitutes a quorum.

Review/Approval of the Open Session Agenda

The agenda was approved with amendments (4.1. Board Chair – Overview of Committee Meeting April 23, 2019 and 4.1.2 Executive Director Search Committee status) - *Moved to accept the amended agenda by David Cox, 2nd by Gwenda Harrison. The motion carried.*

Review/Approval of the Open Session Minutes for March

The Board Open Session Minutes for March 27, 2019 meeting were approved - *Motion to accept by Caitlin Thompson, 2nd by David Cox.. The motion carried.*

Members of the National Associations and Organizations Introduced: (Associated Bodywork & Massage Professionals [ABMP]; American Massage Therapy Association [AMTA] and the Federation of State Massage Therapy Boards [FSMTB]:

Christine Hooper, Government Relations AMTA – Wanted to extend her appreciation for meeting and collaborating with a communicative and functional board about licensing and establishments.

Lorena Haynes, Government Relations Director for the FSMTB – The Federation is an association of state and regulatory agencies. David Cox sits on our Board of Directors and Gwenda Harrison for years has been volunteering for FSMTB (thanks to them). FSMTB provides services and programs that help massage therapy boards across the country to “do what they do”. We create opportunities for things that boards couldn’t do alone because we have the resources, the manpower and the very intelligent people who created excellent programs. The one program you are familiar is the MBLEx (Massage and Bodywork Licensing Exam) which the Federation manage and offer for you, all at no cost to your Board. Currently working with states on a new

database, the Massage Therapy Licensing Database (MTLD) so Member Boards will be able to populate it with data to connect to dots across the country. This database will have license information from different states, school information, and information about exams. It would provide for your staff the ability to plug right into the national consciousness to see validated information such as a license in another state, the status and actions associated with that license. Courses in the CE registry would be uploaded with the course completion available. This is just some of the programs made available.

Question from the Chair – Notification of the cost increase for the MBLEx. **Lorena Haynes** – The Federation has not raised the cost for the MBLEx since the very beginning. The Federation explored every possible avenue to minimize the cost increase. **David Cox** – the cost of \$195 is for the operating costs for Pearson Vue and for the set up exams for individuals with disabilities. The other big cost was litigations for keeping the exam a protected property and for that the cost never decreases but continues to go up. All the Federation members from all states weighed in on the decision regarding the cost increase. Since the decision, a phase in window for schools had been implemented before the cost went up.

Reports & Updates - Paula K. Jilanis, Board Chair – AMTA National, ABMP, FSMTB and AMTA Maryland – We had discussions on the bill for massage therapy establishments. It was a productive meeting and we look forward to future discussion meetings on this topic.

The Executive Director Search Committee – Last month 20 individuals applied to which MDH OHR selected 10 qualified individuals. The Boards (the Massage Therapy Board and the Chiropractic Board) have chosen 5 individuals to be interviewed. The arrangement of the dates are in progress and an further update will be provided at the May meeting.

Acting Executive Director's Report - Adrienne Congo – Follow up to occur regarding utilizing outside vendor for the monthly massage therapy examination. Due to the recent change in the MBLEx cost which took effect April 1, 2019; it now has probably changed the projected cost quote. It would probably be in the best interest fiscally to see if the Board could partner with FSMTB. I will be reaching out to Lorena Haynes, FSMTB and MDH. Update on Board's separation of the all things fiscal yield that we should wait until the changing of fiscal institutions which is anticipated to be late summer.

Legislative Update – Lilian Reese – The Session ended on April 8th. There were several bills. HB22 regarding occupation licenses criminal history in the application; did pass despite 8 of our boards protesting and opposing it. It had amendments to it. SB 852 which was a DLLR bill for veterans, military service members and military spouses regarding occupational licenses – did pass and effective October 1, 2019. Two bill signings are scheduled April 30th and May 13th.

Inquiry by Gwenda Harrison as to HB648 – Interstate Physical therapy license compact. Discussions on the floor regarding compacts. **Grant Gerber** weighed in that compacts were authorized by the U.S. constitution as there are several hundred different compacts. "In the United States of America, an interstate compact is an agreement between two or more states. Article I, Section 10 of the United States Constitution provides that "No State shall, without the Consent of Congress....enter into any Agreement or Compact with another State." There are formal binding compacts between two or more states to which you have to have a bill pass your house.

Committee Reports:

Caitlin Thompson, Advisory Committee Chair – Update on the bill 554 passed to which the next Bill signing is April 30th or the following and pending signature or letting it go into effect. **Gwenda Harrison** - It passed the Senate Committee 46-0, passed the House Committee 128-9. Acknowledge participants that provided support on the bill (Amelia Mitchell, Sabrina Lopez, AMTA MD, MD Association of Counties, Senate Committee, House Committee, MD Association of Police Chiefs and Sheriffs, AA County Government and AA Police Chief).

Licensing Committee – Paige Szymanski, Chair – It was the charge of the Licensing Committee to further explore the differences between the RMP and LMT designations in MD. Currently the difference at its core, the LMT has 60 college credits to which 24 credits are in basic and applied sciences related to healthcare. A LMT in MD is permitted to accept referrals healthcare providers and if they so choose work in a healthcare setting. The question continually posed is why when the designees received 600 contact hours of massage therapy training are there restrictions on where a RMP works. What gives the LMT the ability to work in a

healthcare setting? The Licensing Committee has been discussing this issue at length and would like to move the education of LMTs more in line with what the healthcare seeking public and our fellow healthcare professionals expect of licensed healthcare professionals. Massage therapists are being recognized for our valuable work in enhancing patient care. With this in mind and in keeping with the two tier designation; the Licensing Committee proposes a discussion for separating scope for each designation. Something like, RMPs are registrants of practice massage as individuals trained in the minimum competencies to continue the maintenance and/or management of a clients continued drive towards wellness. LMTs are additionally trained in the minimum competencies to accept a referral from a licensed healthcare provider who authorized to diagnosis or prescribe treatment of acute or chronic condition. The LMT creates a treatment on that diagnosis and commencing treatment to a specified outcome. We believe with healthcare field rise in the utilization of massage therapy in patient care; the time has come for MD to work on designating LMTs as clinically trained healthcare professionals. For the purposes for transitioning our thinking from contact hour model to credit hour model; a LMT would now an AAS in massage therapy that includes clinical rotations in a healthcare setting providing the level of understanding on how our fellow healthcare providers communicate and coordinate patient care. The State of MD should move forward in ensuring proper education of LMTs to be able to provide this level of care (what that would look like in our old language would be approximately a minimum of 1000 hours). So the current 100 hours of A & P would be raised to 400 hours. Adding in more formal clinical assessment training, research, understand, the clinical rotation component are the reasons. 600 hours increase for the history, theory and ethics. We currently have 4 degree issuing programs in the State of MD and all but one are already at or exceeding when a conversion is applied - 1000 hours of education. The Licensing Committee puts forth an increase in LMT education through an Associate of Applied Science in Massage Therapy. *Lengthy discussion took place....*

Amelia Mitchell – We are lost in the differences and I would like to say that it is time for MD to go a One Tier system. The public doesn't have a clue about the two tiers. As an example, she made reference to her business that she has never been asked for a LMT in their inquiry. The public needs to know but doesn't know the difference between RMPs and LMTs. We are still being called masseuses. The suggestion if we want to make the bar higher; "grandfather" just make everyone a LMT. Remove the language and all the limitations. Just create one clean bunch of statutes that cover everybody. Then move the bar up and the reality is massage therapy is healthcare and right now the vast majority of massage therapists and practitioners in MD are not fully trained for the public that shows up regardless if it is a spa or business. As a business owner who has been doing this a long time; I think that would be a real path to gaining clarity and making a real difference and finally actually protecting the public.

Sabrina Lopez – RMP should work under the guidance of a LMT. At some point we have to take responsibility for the liability of the RMPs. They do not have the same education as a LMT. There have been many instances in the profession in general of adverse effect for massage therapy – dangerous and life threatening conditions. Until we can get everybody at least educated on that level. If we want go to one tier; I would say make everyone have an associate's degree in massage therapy which would open a huge can of worms. **Paula Jilanis** – what kind of impact that would have on proprietary schools. How would we make them raised up to a LMT? We have to recognize the possible push back and is that a greater benefit in the long run from maintaining our two tiered system.

Gwenda Harrison – Explains her position that she has been a proponent of a one tiered system for long time. How many of our present LMTs are trained and equipped to the level you are indicating. If she receives a call for oncology massage; she would refer them to out.

Robin Anderson - If you are going to elevate the profession you are going to have to create some type of bridge program that requires all massage therapists to stay on top on the latest information about pathologies, medications, treatments and research there to support it. You are going to have make sure that educational standard is equivalent around the clock. That's is part of the reason I have issues with taking RMP students from other schools. The fact remains the equable level of education is not there. Every student was different.

Ratification of RMPs and LMTs – All approved

Legislation / Regulations

Lillian Reese – Preproposal Concept Papers due May 24, 2019 for any interest in doing legislation in 2020. You do not have to give all the details. You do not have to give them a draft, it just a concept paper. Then the Secretary will review these concept papers and within the first two weeks of June, he will either accept it or deny it. For those concept papers that were approved, the estimated date of July 17th, that's when the full proposal is due to the Office of Governmental Affairs. This would include the bill draft, forms regarding fiscal

impact and other forms that would be required. The proposals would be due to the Governors legislative offices estimating September 3rd based on this year's timeline. Then you wait after that to if the Department will sponsor any of our bill proposals (approx. December). **Paula Jilanis** – interjected that this would be the time to resubmit the RapBack and the Establishment at some point.

Lorena Haynes, FSMTB asked whether we do background checks for renewal. **Paula Jilanis** – We would not have to do it at renewal one they are in the system. **Adrienne Congo** – interjected that we discussed prior we would imposed that CHRC at renewal as we currently do not have all licensees and registrants fingerprinted (pre April 2014). We need to capture those individuals in order for the RapBack to provide updates.

Next Open Session Meeting is scheduled May 22, 2019, Room 110

Meeting Adjourned and move into the Executive Closed Session Meeting – Motion to move to the Closed Session by J. Paige Szymanski, 2nd by David Cox. The motion carried.

Respectfully submitted,

*David Cox, LMT
Secretary/Treasurer*

With appreciation to Adrienne Congo for assistance with the Minutes.